

Notice of Allowability

Application No.

10/015,671

Examiner

Rachel K. Hunnicutt

Applicant(s)

BAKER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed October 25, 2004.
2. ☒ The allowed claim(s) is/are 28-35,38-40 and 44-54.
3. ☒ The drawings filed on 25 June 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JANET ANDRES
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Anna Barry on November 8, 2004 and November 22, 2004.

The claims were amended as follows:

28. An isolated nucleic acid encoding a polypeptide having at least 80% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO: 130;
 - (b) the amino acid sequence of the polypeptide of SEQ ID NO: 130, lacking its associated signal peptide;
 - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 129; or
 - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203253,
- wherein the polypeptide stimulates endothelial cell growth or the polypeptide [is] induces proliferation of kidney mesangial cells.

29. The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 85% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO: 130;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO: 130, lacking its associated signal peptide;
- (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 129; or

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(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203253,
wherein the polypeptide stimulates endothelial cell growth or the polypeptide [is] induces proliferation of kidney mesangial cells.

30. The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 90% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO: 130;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO: 130, lacking its associated signal peptide;
- (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 129; or
- (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203253,
wherein the polypeptide stimulates endothelial cell growth or the polypeptide [is] induces proliferation of kidney mesangial cells.

31. The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 95% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO: 130;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO: 130, lacking its associated signal peptide;
- (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 129; or
- (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203253,
wherein the polypeptide stimulates endothelial cell growth or the polypeptide [is] induces proliferation of kidney mesangial cells.

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32. The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 99% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO: 130;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO: 130, lacking its associated signal peptide;
- (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 129; or
- (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203253,

wherein the polypeptide stimulates endothelial cell growth or the polypeptide [is] induces proliferation of kidney mesangial cells.

48. An isolated nucleic acid molecule at least 20 nucleotides in length that hybridizes under stringent conditions to:

- (a) the nucleic acid sequence of SEQ ID NO: 129 or a **full-length** complement thereof;
- (b) the full-length coding sequence of the cDNA deposited under ATCC accession number 203253 or a **full-length** complement thereof;

wherein, said stringent conditions use 50% formamide, 5 x SSC, 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC and 50% formamide at 55°C, followed by a wash comprising of 0.1 x SSC containing EDTA at 55°C, wherein said isolated nucleic acid molecule is suitable for use as a PCR primer or probe **for SEQ ID NO: 129**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel K. Hunnicutt whose telephone number is (571) 272-0886. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RKH

11/22/04